

10-24-06

cc 1631

**Petition For Revival Of An Application For Patent Abandoned Unintentionally
Under 37 CFR 1.137(b) (Small Entity)**

Docket No. *JPW*
104.002

In Re Application Of: Eugene S. Pearlman

OCT 23 2006
PATENT & TRADEMARK OFFICE

Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
09/303,315	4/30/1999	Lori A Clow	42131	1631	8170

Invention: Algorithmic Testing in Laboratory Medicine

10/26/2006 WABDELRI 00000047 09303315

-01 FC:2453

750.00 0P

Attention: Office of Petitions
Mail Stop Petition
COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper response to a notice or action by the Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extension of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee--required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. ☒ A proposed reply to the above-identified Office Action:

☒ is enclosed. ☐ was filed on _____

The proposed reply is in the form of: _____

2. ☒ The issue fee:

☐ is enclosed. ☒ was paid on 7/20/06 \$715.00

3. ☒ Applicant claims small entity status. See 37 CFR 1.27

4. ☒ The abandoned application was a:

☐ design application. ☒ utility application. ☐ plant application.

5. ☐ A terminal disclaimer (and fee) disclaiming a period equivalent to the period of abandonment is enclosed.

6. ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

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Invention: **Algorithmic Testing in Laboratory Medicine**

Calculation and Payment of Fees

Enclosed are the following fees:

7. ☒ Petition fee under 37 CFR 1.17(m) in the amount of: \$750.00
8. ☐ Fee for reply in the amount of: _____
9. ☐ Issue fee in the amount of: _____
10. ☐ Continuing application filing fee in the amount of: _____
11. ☐ Terminal disclaimer fee in the amount of: _____
12. ☐ _____

Total fees enclosed: \$750.00

The fee of **\$750** is to be paid as follows:

- ☐ A check in the amount of the fee is enclosed.
- ☐ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account No. _____
- ☒ Payment by credit card. Form PTO-2038 is attached.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

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Invention: **Algorithmic Testing in Laboratory Medicine**

Statement

The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

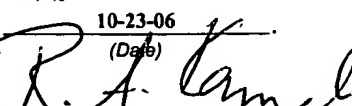
WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioner/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.


Signature

Dated: **October 23, 2006**

Rashida A. Karmali

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on	
10-23-06 (Date)	
Signature of Person Mailing Correspondence	
Rashida A. Karmali	
Typed or Printed Name of Person Mailing Correspondence	

cc:



Customer No. 000042131

Docket No. 104.002

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Eugene S. Pearlman

SERIAL NO.: 09/303,315

Group Unit:1631

FILED: April 30, 1999

Ex: Lori A. Clow

FOR: ALGORITHMIC TESTING IN LABORATORY MEDICINE


Commissioner for Patents
PO Box 1450, Alexandria, VA 22313-1450

Response and Petition to Revive Application under 37 CFR 1.137(b)

Sir:

In response to the Notice of Abandonment issued 7/10/2006, and letter dated October 16, 2006 dismissing the Withdrawal of Abandonment, Applicant submit this request to Revive the Application and this Response along with a set of Formal Drawings.

October 23, 2006

Respectfully Submitted,

Rashida A. Karmali, Esq., Reg. No. 43,705
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Fax (212) 651-9654

CERTIFICATE OF EXPRESS MAILING

I hereby certify that this correspondence is transmitted by Express Class No. EQ
520218955 US under 37 C.F.R. 1.10 on October 23, 2006, addressed to: Commissioner for
Patents, Alexandria, VA 22313-1450.

Rashida A. Karmali
Attorney for Applicants

R.A. Karmali
Signature
10/23/06.